



General Assembly

January Session, 2009

Raised Bill No. 6707

LCO No. 5069

* ____HB06707JUD__033009__ *

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT MAKING MINOR, TECHNICAL AND CONFORMING CHANGES
TO CERTAIN STATUTES CONCERNING CRIMINAL AND CIVIL LAW
AND PROCEDURE.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (b) of section 46b-15 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2009*):

4 (b) The application form shall allow the applicant, at the applicant's
5 option, to indicate whether the respondent holds a permit to carry a
6 pistol or revolver or possesses one or more firearms. The application
7 shall be accompanied by an affidavit made under oath which includes
8 a brief statement of the conditions from which relief is sought. Upon
9 receipt of the application the court shall order that a hearing on the
10 application be held not later than fourteen days from the date of the
11 order. The court, in its discretion, may make such orders as it deems
12 appropriate for the protection of the applicant and such dependent
13 children or other persons as the court sees fit. Such order may include
14 temporary child custody or visitation rights and such relief may
15 include but is not limited to an order enjoining the respondent from (1)

16 imposing any restraint upon the person or liberty of the applicant; (2)
 17 threatening, harassing, assaulting, molesting, sexually assaulting or
 18 attacking the applicant; or (3) entering the family dwelling or the
 19 dwelling of the applicant. [The court, in its discretion, may make such
 20 orders as it deems appropriate for the protection of] Such order may
 21 include provisions necessary to protect any animal owned or kept by
 22 the applicant including, but not limited to, an order enjoining the
 23 respondent from injuring or threatening to injure such animal. If an
 24 applicant alleges an immediate and present physical danger to the
 25 applicant, the court may issue an ex parte order granting such relief as
 26 it deems appropriate. If a postponement of a hearing on the
 27 application is requested by either party and granted, the order shall
 28 not be continued except upon agreement of the parties or by order of
 29 the court for good cause shown.

30 Sec. 2. Subsection (d) of section 46b-38b of the general statutes is
 31 repealed and the following is substituted in lieu thereof (*Effective July*
 32 *1, 2009*):

33 (d) It shall be the responsibility of the peace officer at the scene of a
 34 family violence incident to provide immediate assistance to the victim.
 35 Such assistance shall include, but not be limited to: (1) Assisting the
 36 victim to obtain medical treatment if such treatment is required; (2)
 37 notifying the victim of the right to file an affidavit [or] for a warrant for
 38 arrest; and (3) informing the victim of services available and referring
 39 the victim to the Office of Victim Services. In cases where the officer
 40 has determined that no cause exists for an arrest, assistance shall
 41 include: (A) Assistance as provided in subdivisions (1) to (3), inclusive,
 42 of this subsection; and (B) remaining at the scene for a reasonable time
 43 until, in the reasonable judgment of the officer, the likelihood of
 44 further imminent violence has been eliminated.

45 Sec. 3. Subsection (a) of section 46b-86 of the general statutes is
 46 repealed and the following is substituted in lieu thereof (*Effective July*
 47 *1, 2009*):

48 (a) Unless and to the extent that the decree precludes modification,
 49 [the court may order either party to maintain life insurance for the
 50 other party or a minor child of the parties or] any final order for the
 51 periodic payment of permanent alimony or support, [or] an order for
 52 alimony or support pendente lite or an order requiring either party to
 53 maintain life insurance for the other party or a minor child of the
 54 parties may, at any time thereafter, be continued, set aside, altered or
 55 modified by [said] the court upon a showing of a substantial change in
 56 the circumstances of either party or upon a showing that the final
 57 order for child support substantially deviates from the child support
 58 guidelines established pursuant to section 46b-215a, unless there was a
 59 specific finding on the record that the application of the guidelines
 60 would be inequitable or inappropriate. There shall be a rebuttable
 61 presumption that any deviation of less than fifteen per cent from the
 62 child support guidelines is not substantial and any deviation of fifteen
 63 per cent or more from the guidelines is substantial. Modification may
 64 be made of such support order without regard to whether the order
 65 was issued before, on or after May 9, 1991. In determining whether to
 66 modify a child support order based on a substantial deviation from
 67 such child support guidelines the court shall consider the division of
 68 real and personal property between the parties set forth in the final
 69 decree and the benefits accruing to the child as the result of such
 70 division. After the date of judgment, modification of any child support
 71 order issued before, on or after July 1, 1990, may be made upon a
 72 showing of such substantial change of circumstances, whether or not
 73 such change of circumstances was contemplated at the time of
 74 dissolution. By written agreement, stipulation or [by] decision of the
 75 court, those items or circumstances that were contemplated and are
 76 not to be changed may be specified in the written agreement,
 77 stipulation or decision of the court. This section shall not apply to
 78 assignments under section 46b-81 or to any assignment of the estate or
 79 a portion thereof of one party to the other party under prior law. No
 80 order for periodic payment of permanent alimony or support may be
 81 subject to retroactive modification, except that the court may order
 82 modification with respect to any period during which there is a

83 pending motion for modification of an alimony or support order from
84 the date of service of notice of such pending motion upon the opposing
85 party pursuant to section 52-50.

86 Sec. 4. Section 49-9a of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective July 1, 2009*):

88 (a) Notwithstanding the provisions of this chapter, a release of
89 mortgage executed by any person other than an individual that is
90 invalid because it is not issued or executed by, or fails to appear in the
91 name of the record holder of the mortgage on one, two, three or four-
92 family residential real property located in [the state of Connecticut]
93 this state including, but not limited to, a residential unit in any
94 common interest community, as defined in section 47-202, shall be as
95 valid as if it had been issued or executed by, or appeared in the name
96 of, the record holder of [such] the mortgage unless an action
97 challenging the validity of the release is commenced and a notice of lis
98 pendens is recorded in the land records of the town where the release
99 is recorded within five years after the release is recorded, provided an
100 affidavit is recorded in the land records of the town where the
101 mortgage was recorded which states the following:

102 (1) The affiant has been the record owner of the real property
103 described in the mortgage for at least two years prior to the date of the
104 affidavit;

105 (2) The recording information for the mortgage, any [assignments]
106 assignment of the mortgage and the release;

107 (3) Since the date of the recording of the release, the affiant has
108 received no demand for payment of all or any portion of the debt
109 secured by [said] the mortgage and has received no notice or
110 communication that would indicate that all or any portion of the
111 mortgage debt remains due [or] and owing; and

112 (4) To the best of the affiant's knowledge and belief, the mortgage
113 debt has been paid in full.

114 (b) The provisions of subsection (a) of this section shall not apply to
115 any release obtained by forgery or fraud.

116 Sec. 5. Subsection (b) of section 51-164n of the general statutes is
117 repealed and the following is substituted in lieu thereof (*Effective July*
118 *1, 2009*):

119 (b) Notwithstanding any provision of the general statutes, any
120 person who is alleged to have committed (1) a violation under the
121 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
122 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
123 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,
124 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
125 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
126 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
127 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
128 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
129 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
130 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
131 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
132 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
133 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
134 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
135 14-153 or 14-163b, a first violation as specified in subsection (f) of
136 section 14-164i, section 14-219 as specified in subsection (e) of said
137 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
138 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
139 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
140 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
141 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
142 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,
143 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,
144 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
145 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section
146 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
147 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,

148 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
 149 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
 150 20-265 or 20-324e, [subsection (a) of section 20-341,] section 20-341l, 20-
 151 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-
 152 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
 153 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
 154 79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-
 155 34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-
 156 49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-
 157 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e)
 158 of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415,
 159 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of
 160 section 22a-256h, subsection (a) of section 22a-381d, section 22a-449,
 161 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-
 162 65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54,
 163 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131,
 164 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294,
 165 28-13, 29-6a, 29-109, 29-143o, 29-143z, 29-156a, subsection (b), (d), (e) or
 166 (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243,
 167 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11,
 168 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32,
 169 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-
 170 52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74,
 171 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273,
 172 section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision
 173 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34,
 174 46b-38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or
 175 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-
 176 321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the
 177 provisions of chapter 268, or (3) a violation of any regulation adopted
 178 in accordance with the provisions of section 12-484, 12-487 or 13b-410,
 179 or (4) a violation of any ordinance, regulation or bylaw of any town,
 180 city or borough, except violations of building codes and the health
 181 code, for which the penalty exceeds ninety dollars but does not exceed
 182 two hundred fifty dollars, unless such town, city or borough has

183 established a payment and hearing procedure for such violation
 184 pursuant to section 7-152c, shall follow the procedures set forth in this
 185 section.

186 Sec. 6. Section 52-225a of the general statutes is repealed and the
 187 following is substituted in lieu thereof (*Effective July 1, 2009*):

188 (a) In any civil action, whether in tort or in contract, wherein the
 189 claimant seeks to recover damages resulting from (1) personal injury or
 190 wrongful death occurring on or after October 1, 1987, or (2) personal
 191 injury or wrongful death, arising out of the rendition of professional
 192 services by a health care provider, occurring on or after October 1,
 193 1985, and prior to October 1, 1986, if the action was filed on or after
 194 October 1, 1987, and wherein liability is admitted or is determined by
 195 the trier of fact and damages are awarded to compensate the claimant,
 196 the court shall reduce the amount of such award which represents
 197 economic damages, as defined in subdivision (1) of subsection (a) of
 198 section 52-572h, by an amount equal to the total of amounts
 199 determined to have been paid under subsection (b) of this section less
 200 the total of amounts determined to have been paid, contributed or
 201 forfeited under subsection (c) of this section, except that there shall be
 202 no reduction for (A) a collateral source for which a right of subrogation
 203 exists, and (B) the amount of collateral sources equal to the reduction
 204 in the claimant's economic damages attributable to the claimant's
 205 percentage of negligence pursuant to section 52-572h.

206 (b) Upon a finding of liability and an awarding of damages by the
 207 trier of fact and before the court enters judgment, the court shall
 208 receive evidence from the claimant and other appropriate persons
 209 concerning the total amount of collateral sources which have been paid
 210 for the benefit of the claimant as of the date the court enters judgment.

211 (c) The court shall receive evidence from the claimant and any other
 212 appropriate person concerning any amount which has been paid,
 213 contributed [,] or forfeited, as of the date the court enters judgment, by,
 214 or on behalf of, the claimant or members of his immediate family to

215 secure his right to any collateral source benefit which he has received
216 as a result of such injury or death.

217 Sec. 7. Section 52-593a of the general statutes is repealed and the
218 following is substituted in lieu thereof (*Effective July 1, 2009*):

219 (a) Except in the case of an appeal from an administrative agency
220 governed by section 4-183, a cause or right of action shall not be lost
221 because of the passage of the time limited by law within which the
222 action may be brought, if the process to be served is personally
223 delivered to a state marshal, [authorized to serve the process]
224 constable or other proper officer within such time and the process is
225 served, as provided by law, within thirty days of the delivery.

226 (b) In any such case, the [state marshal] officer making service shall
227 endorse under oath on such [state marshal's] officer's return the date of
228 delivery of the process to such [state marshal] officer for service in
229 accordance with this section.

230 Sec. 8. Subsection (b) of section 53-289c of the general statutes is
231 repealed and the following is substituted in lieu thereof (*Effective July*
232 *1, 2009*):

233 (b) The provisions of subsection (a) of this section do not apply to a
234 ticket reseller who: (1) Resells a ticket for not greater than the face
235 value printed on the ticket; or (2) maintains a permanent office within
236 one thousand five hundred feet of the physical structure where the
237 entertainment event is scheduled to take place provided such reseller
238 sells, offers to resell or solicits the resale of a ticket only within the
239 premises of such office in person [,] or by mail, telephone or [over] the
240 Internet.

241 Sec. 9. Section 53a-35a of the general statutes is repealed and the
242 following is substituted in lieu thereof (*Effective July 1, 2009*):

243 For any felony committed on or after July 1, 1981, the sentence of
244 imprisonment shall be a definite sentence and, unless the section of the

245 general statutes that defines the crime specifically provides otherwise,
 246 the term shall be fixed by the court as follows: (1) For a capital felony, a
 247 term of life imprisonment without the possibility of release unless a
 248 sentence of death is imposed in accordance with section 53a-46a; (2) for
 249 the class A felony of murder, a term not less than twenty-five years nor
 250 more than life; (3) for the class A felony of aggravated sexual assault of
 251 a minor under section 53a-70c, a term not less than twenty-five years
 252 or more than fifty years; (4) for a class A felony other than an offense
 253 specified in subdivision (2) or (3) of this section, a term not less than
 254 ten years nor more than twenty-five years; (5) for the class B felony of
 255 manslaughter in the first degree with a firearm under section 53a-55a,
 256 a term not less than five years nor more than forty years; (6) for a class
 257 B felony other than manslaughter in the first degree with a firearm
 258 under section 53a-55a, a term not less than one year nor more than
 259 twenty years; [except that for a conviction under section 53a-59(a)(1),
 260 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-134(a)(2), the term shall
 261 be not less than five years nor more than twenty years;] (7) for a class C
 262 felony, a term not less than one year nor more than ten years; [except
 263 that for a conviction under section 53a-56a, the term shall be not less
 264 than three years nor more than ten years;] (8) for a class D felony, a
 265 term not less than one year nor more than five years; [except that for a
 266 conviction under section 53a-60b or 53a-217, the term shall be not less
 267 than two years nor more than five years, for a conviction under section
 268 53a-60c, the term shall be not less than three years nor more than five
 269 years, and for a conviction under section 53a-216, the term shall be five
 270 years;] and (9) for an unclassified felony, a term in accordance with the
 271 sentence specified in the section of the general statutes that defines the
 272 crime.

273 Sec. 10. Section 53a-36 of the general statutes is repealed and the
 274 following is substituted in lieu thereof (*Effective July 1, 2009*):

275 A sentence of imprisonment for a misdemeanor shall be a definite
 276 sentence and, unless the section of the general statutes that defines the
 277 crime specifically provides otherwise, the term shall be fixed by the
 278 court as follows: (1) For a class A misdemeanor, a term not to exceed

279 one year; [except that when a person is found guilty under section 53a-
280 61(a)(3) or 53a-61a, the term shall be one year and such sentence shall
281 not be suspended or reduced;] (2) for a class B misdemeanor, a term
282 not to exceed six months; (3) for a class C misdemeanor, a term not to
283 exceed three months; and (4) for an unclassified misdemeanor, a term
284 in accordance with the sentence specified in the section of the general
285 statutes that defines the crime.

286 Sec. 11. Subsection (d) of section 53a-39 of the general statutes is
287 repealed and the following is substituted in lieu thereof (*Effective July*
288 *1, 2009*):

289 (d) At a hearing held by the sentencing court or judge under this
290 section, such court or judge shall permit any victim of the crime to
291 appear before the court or judge for the purpose of making a statement
292 for the record concerning whether or not the sentence of the defendant
293 should be reduced, the defendant should be discharged or the
294 defendant should be discharged on probation or conditional discharge
295 pursuant to subsection (a) or (b) of this section. In lieu of such
296 appearance, the victim may submit a written statement to the court or
297 judge and the court or judge shall make such statement a part of the
298 record at the hearing. For the purposes of this subsection, "victim"
299 means the victim, the legal representative of the victim or a member of
300 the deceased victim's immediate family.

301 Sec. 12. Section 53a-40b of the general statutes is repealed and the
302 following is substituted in lieu thereof (*Effective July 1, 2009*):

303 A person convicted of an offense committed while released
304 pursuant to sections 54-63a to 54-63g, inclusive, or sections 54-64a to
305 54-64c, inclusive, other than a violation of section 53a-222 or 53a-222a,
306 may be sentenced, in addition to the sentence prescribed for the
307 offense to (1) a term of imprisonment of not more than ten years if the
308 offense is a felony, or (2) a term of imprisonment of not more than one
309 year if the offense is a misdemeanor.

310 Sec. 13. Subsection (a) of section 53a-148a of the general statutes is

311 repealed and the following is substituted in lieu thereof (*Effective July*
312 *1, 2009*):

313 (a) A public servant [, as defined in section 53a-146,] is guilty of
314 failure to report bribery when the public servant: (1) Knows that (A)
315 another person has attempted to bribe such public servant, [as defined
316 in section 53a-147,] or (B) such public servant has witnessed either (i) a
317 person attempting to bribe another public servant, [as defined in
318 section 53a-147,] or (ii) another public servant commit the crime of
319 bribe receiving, as [defined] provided in section 53a-148; and (2) does
320 not, as soon as reasonably practicable, report such crime to a law
321 enforcement agency.

322 Sec. 14. Section 53a-174b of the general statutes is repealed and the
323 following is substituted in lieu thereof (*Effective July 1, 2009*):

324 [Any person not authorized] (a) A person is guilty of conveyance or
325 use of an electronic wireless communication device in a correctional
326 institution when such person, without authorization by the
327 Commissioner of Correction or the commissioner's designee, [who] (1)
328 conveys or possesses with intent to convey an electronic wireless
329 communication device to any inmate of a correctional institution while
330 such inmate is in such institution, or (2) uses an electronic wireless
331 communication device to take a photographic or digital image in a
332 correctional institution. [, shall be guilty of]

333 (b) Conveyance or use of an electronic wireless communication
334 device in a correctional institution is a class A misdemeanor.

335 Sec. 15. Subsection (a) of section 53a-192a of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective July*
337 *1, 2009*):

338 (a) A person is guilty of trafficking in persons when such person
339 commits coercion as provided in section 53a-192 and the other person
340 is compelled or induced to (1) engage in conduct that constitutes a
341 violation of section 53a-82, or (2) [work] provide labor or services.

342 Sec. 16. Section 54-86m of the general statutes is repealed and the
343 following is substituted in lieu thereof (*Effective July 1, 2009*):

344 Notwithstanding the provisions of section 54-86a, in any criminal
345 proceeding, any property or material that constitutes child
346 pornography shall remain in the care, custody and control of the state,
347 and a court shall deny any request by the defendant to copy,
348 photograph, duplicate or otherwise reproduce any property or
349 material that constitutes child pornography [so long as] provided the
350 attorney for the state makes the property or material reasonably
351 available to the defendant. Such property or material shall be deemed
352 to be reasonably available to the defendant if the attorney for the state
353 provides the defendant, the defendant's attorney or any individual the
354 defendant may seek to qualify to furnish expert testimony at trial,
355 ample opportunity for inspection, viewing [,] and examination of the
356 property or material at a state facility or at another facility agreed upon
357 by the attorney for the state and the defendant. For the purposes of this
358 section, "child pornography" [shall have] has the same meaning as in
359 section 53a-193.

360 Sec. 17. Section 54-102l of the general statutes is repealed and the
361 following is substituted in lieu thereof (*Effective July 1, 2009*):

362 A person whose DNA profile has been included in the data bank
363 pursuant to sections 54-102g to 54-102k, inclusive, may request
364 expungement on the grounds that the criminal conviction or the
365 finding of not guilty by reason of mental disease or defect on which the
366 authority for including [his] the person's DNA profile was based has
367 been reversed and the case dismissed. The State Police Forensic Science
368 Laboratory shall purge all records and identifiable information in the
369 data bank pertaining to the person and destroy all samples from the
370 person upon receipt of (1) a written request for expungement pursuant
371 to this section, and (2) a certified copy of the court order reversing and
372 dismissing the conviction or the finding of not guilty by reason of
373 mental disease or defect.

374 Sec. 18. Subsection (h) of section 54-124a of the general statutes is
375 repealed and the following is substituted in lieu thereof (*Effective July*
376 *1, 2009*):

377 (h) The chairperson, or the chairperson's designee, and two
378 members of the board from among the members assigned by the
379 chairperson to serve exclusively on parole release panels or the
380 members appointed by the Governor on or after February 1, 2008, to
381 serve on parole release panels, shall conduct all parole release hearings
382 [, shall, prior to July 1, 2008, approve or deny all parole releases
383 recommended by an employee of the board pursuant to section 54-
384 125b,] and shall approve or deny all parole revocations and parole
385 rescissions recommended by an employee of the board pursuant to
386 section 54-127a. No panel of the Board of Pardons and Paroles shall
387 hold a hearing to determine the suitability for parole release of any
388 person [or, prior to July 1, 2008, hold a meeting to consider the
389 recommendation of an employee of the board made pursuant to
390 section 54-125b, to grant parole to a person] unless the chairperson of
391 the board has made reasonable efforts to determine the existence of
392 and obtain all information deemed pertinent to the panel's decision
393 and has certified that all such pertinent information determined to
394 exist has been obtained or is unavailable.

395 Sec. 19. Subsection (a) of section 54-125a of the general statutes is
396 repealed and the following is substituted in lieu thereof (*Effective July*
397 *1, 2009*):

398 (a) A person convicted of one or more crimes who is incarcerated on
399 or after October 1, 1990, who received a definite sentence or aggregate
400 sentence of more than two years, and who has been confined under
401 such sentence or sentences for not less than one-half of the aggregate
402 sentence or one-half of the most recent sentence imposed by the court,
403 whichever is greater, may be allowed to go at large on parole in the
404 discretion of the panel of the Board of Pardons and Paroles for the
405 institution in which the person is confined, if (1) it appears from all
406 available information, including any reports from the Commissioner of

407 Correction that the panel may require, that there is reasonable
 408 probability that such inmate will live and remain at liberty without
 409 violating the law, and (2) such release is not incompatible with the
 410 welfare of society. At the discretion of the panel, and under the terms
 411 and conditions as may be prescribed by the panel including requiring
 412 the parolee to submit personal reports, the parolee shall be allowed to
 413 return to the parolee's home or to reside in a residential community
 414 center, or to go elsewhere. The parolee shall, while on parole, remain
 415 under the jurisdiction of the board until the expiration of the
 416 maximum term or terms for which the parolee was sentenced. Any
 417 parolee released on the condition that the parolee reside in a
 418 residential community center may be required to contribute to the cost
 419 incidental to such residence. Each order of parole shall fix the limits of
 420 the parolee's residence, which may be changed in the discretion of the
 421 board and the Commissioner of Correction. Within three weeks after
 422 the commitment of each person sentenced to more than [one year] two
 423 years, the state's attorney for the judicial district shall send to the
 424 Board of Pardons and Paroles the record, if any, of such person.

425 Sec. 20. Subsection (i) of section 54-142q of the general statutes is
 426 repealed and the following is substituted in lieu thereof (*Effective July*
 427 *1, 2009*):

428 (i) Information that may be accessed by the Division of Public
 429 Defender Services pursuant to subsection [(b)] (a) of this section shall
 430 be limited to: (1) Conviction information, as defined in subsection (c) of
 431 section 54-142g, (2) information that is otherwise available to the
 432 public, and (3) information, including nonconviction information,
 433 concerning a client whom the division has been appointed by the court
 434 to represent and is representing at the time of the request for access to
 435 such information.

436 Sec. 21. Subdivision (4) of section 54-201 of the general statutes is
 437 repealed and the following is substituted in lieu thereof (*Effective July*
 438 *1, 2009*):

439 (4) ["Relative of any person"] "Relative" means [the] a person's
 440 spouse, parent, grandparent, stepparent, child, including a natural
 441 born child, [step] stepchild and adopted child, grandchild, brother,
 442 sister, half brother [,] or half sister or [spouse's] the parents of a
 443 person's spouse.

444 Sec. 22. Subsection (a) of section 54-260b of the general statutes is
 445 repealed and the following is substituted in lieu thereof (*Effective July*
 446 *1, 2009*):

447 (a) For the purposes of this section:

448 (1) "Basic subscriber information" means: (A) Name, (B) address, (C)
 449 age or date of birth, (D) electronic mail address, instant message
 450 address or other similar Internet communication identifier, and (E)
 451 subscriber number or identity, including any assigned Internet
 452 protocol address;

453 (2) "Electronic communication" means "electronic communication"
 454 as defined in 18 USC 2510, as amended from time to time;

455 (3) "Electronic communication service" means "electronic
 456 communication service" as defined in 18 USC 2510, as amended from
 457 time to time;

458 (4) "Registrant" means a person required to register under section
 459 54-251, 54-252, 54-253 or 54-254; and

460 (5) "Remote computing service" means "remote computing service"
 461 as defined in section 18 USC 2711, as amended from time to time, [
 462 and]

463 [(6) "Wire communication" means "wire communication" as defined
 464 in 18 USC 2510, as amended from time to time.]

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2009</i>	46b-15(b)
Sec. 2	<i>July 1, 2009</i>	46b-38b(d)
Sec. 3	<i>July 1, 2009</i>	46b-86(a)
Sec. 4	<i>July 1, 2009</i>	49-9a
Sec. 5	<i>July 1, 2009</i>	51-164n(b)
Sec. 6	<i>July 1, 2009</i>	52-225a
Sec. 7	<i>July 1, 2009</i>	52-593a
Sec. 8	<i>July 1, 2009</i>	53-289c(b)
Sec. 9	<i>July 1, 2009</i>	53a-35a
Sec. 10	<i>July 1, 2009</i>	53a-36
Sec. 11	<i>July 1, 2009</i>	53a-39(d)
Sec. 12	<i>July 1, 2009</i>	53a-40b
Sec. 13	<i>July 1, 2009</i>	53a-148a(a)
Sec. 14	<i>July 1, 2009</i>	53a-174b
Sec. 15	<i>July 1, 2009</i>	53a-192a(a)
Sec. 16	<i>July 1, 2009</i>	54-86m
Sec. 17	<i>July 1, 2009</i>	54-102l
Sec. 18	<i>July 1, 2009</i>	54-124a(h)
Sec. 19	<i>July 1, 2009</i>	54-125a(a)
Sec. 20	<i>July 1, 2009</i>	54-142q(i)
Sec. 21	<i>July 1, 2009</i>	54-201(4)
Sec. 22	<i>July 1, 2009</i>	54-260b(a)

JUD *Joint Favorable*